

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>TREVOR FITZGIBBON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Civil Action No. 3:19-cv-477-REP</b>
	)	
<b>JESSELYN A. RADACK,</b>	)	
	)	
<b>Defendant.</b>	)	

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**CONSENT MOTION FOR EXTENSION OF TIME TO  
FILE RESPONSIVE PLEADINGS**

COMES NOW Defendant Jesselyn A. Radack (“Radack”), by counsel, and with the consent of Plaintiff, files this Motion for Extension of Time within which to file her responsive pleadings to Plaintiff Trevor Fitzgibbon’s (“Plaintiff”) Third Amended Complaint, and in support thereof, states as follows:

**ARGUMENT**

On May 1, 2020, the Court entered an Order allowing Plaintiff to file a Third Amended Complaint on or before May 18, 2020 (Dkt. No. 80). The Order also provided that Radack shall file her Answer and other motions with respect to the Third Amended Complaint by May 29, 2020. On May 4, 2020, after a hearing on Radack’s Motion to Stay, the Court entered an Order stating that Radack shall file supplemental briefs in support of her previously filed Motions to Dismiss Plaintiff’s Second Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) on May 18, 2020 (Dkt. No. 82). The Order also provided that Plaintiff’s Response was due by May 24, 2020, and Radack’s Reply by June 3, 2020.

On May 18, 2020, Plaintiff filed a 52-page Third Amended Complaint (Dkt. No. 87). On May 18, 2020, Radack filed a Supplemental Brief in Support of her Motions to Dismiss Plaintiff’s

Second Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (the “Supplemental Brief”) (Dkt. No. 86). On May 24, 2020, Plaintiff filed an Opposition to Radack’s Supplemental Brief (Dkt. No. 88). It appears that the June 3, 2020, Reply deadline set forth in this Court’s May 4, 2020, Order (Dkt. No. 82) is moot given the filing of Plaintiff’s Third Amended Complaint. Due to the scope and gravity of the allegations in Plaintiff’s Third Amended Complaint, undersigned counsel requests additional time, to and including June 8, 2020, to review and analyze the allegations in Plaintiff’s Third Amended Complaint and respond to the same. Plaintiff does not oppose the relief sought in this Motion.

WHEREFORE, Defendant Jesselyn A. Radack, requests that this Court enter an order extending the time within which she may file responsive pleadings to Plaintiff’s Third Amended Complaint, to and including June 8, 2020, and such other and further relief as the Court deems proper.

Dated: May 29, 2020

Respectfully submitted,

/s/ D. Margeaux Thomas  
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*Counsel for Defendant Jesselyn A. Radack*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2020, a copy of the foregoing document was filed with the Court electronically. Notice of this filing will be sent automatically by the Court's CM/ECF system to the following parties:

Steven S. Biss  
300 West Main Street, Suite 102  
Charlottesville, VA 22903  
*Counsel for Plaintiff*

/s/ D. Margeaux Thomas  
D. Margeaux Thomas (VSB #75582)